Remarks/Arguments

The Examiner is thanked for the careful review of this Application. Claims 1-36 were presented for Examination. On page 2 of the Office Action, only claims 1-26 were identified as examined, but the detailed action and coversheet identify examination of all of claims 1-36. Accordingly, it is taken that citation of only 26 claims was a typographical error. In view of clarifying amendments, claims 2, 14, 26, 33 and 36 were cancelled, and their subject matter was incorporated into respective independent claims.

Rejections under 35 U.S.C. § 102:

The Office rejected claims 1-36 under 35 U.S.C. § 102(a) as being anticipated by Rowland (US 2002/0129264 A1). This rejection is traversed, in view of the clarifying amendments presented herein.

Rowland teaches a method and system for handling the integration of a distributed command, control and communication framework. The framework enables the local and remove execution of program code and also includes agents for monitoring the system performance. As noted by the Examiner, paragraph 149 defines a Loadable Kernel Module (LKM) agent. As Rowland describes, the LKM is designed to look for: unauthorized LKMs, known suspicious LKMs, unknown suspicious LKMs loaded; intercepting system calls, employing protective anti-probe or stealth techniques, accessing or hooking normally restricted data areas in memory or on disk and other suspicious activity.

This functionality is noted, however, it is important to notice that the LKMs are all working *with the assumption that an LKM has already been loaded*.

As defined in claims 1 and 12, however, a kernel module signature verification system verifies said kernel module signature information of each of said plurality of kernel modules as said plurality of kernel modules are loaded into said kernel.

As defined in claim 25, the kernel cryptographic framework daemon performs module verification for each of said plurality of kernel cryptographic modules when said plurality of kernel modules attempt to load up to said kernel to perform cryptographic operations.

As defined in claim 31, the kernel cryptographic framework verifies whether said results from verifying said signature data of a requesting to load kernel module compares with signature information stored in said kernel cryptographic framework to authenticate said requesting kernel module.

As noted all of the independent claims are defining that the kernel modules must be verified before loading. Consequently, the teachings of Rowland do not apply, as Rowland's system allows loading of kernel modules, and it is not until a later point that they are detected, as noted in Paragraph 149. Additionally, paragraph 148 teaches that agent 1305, noted by the Examiner, is allowed to randomly roam the network to detect malicious activity. Again, this is contradictory to what is claimed, as the defined embodiments, as amended, require verification before allowing loading.

Several of the dependent claims were rejected based on Notice take by the Office. This notice is traversed, as the elements are missing from Rowland.
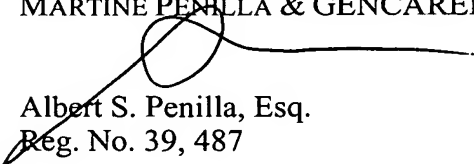
A Notice of Allowance is respectfully requested.

An *Information Disclosure Statement* is enclosed, citing art that was made of record in the corresponding UK application. The Search Report is enclosed. **U.K. Patent 2403827** has resulted, in view of the Applicant's traversal of the applied art.

The Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6903.

If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP459). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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